

Michael A. Zimmerman (NY/NJ)

Naomi Trainer (NY/NJ)

Gary R. Novins (NY)

Of Counsel:

Henry B. Portnoy

David O'Connor

Robert Vadnais

Antonio Marano



ZIMMERMAN LAW

P.C.

USDC SDNY

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Main Office:

315 Walt Whitman Road, Suite 215

Huntington Station, NY 11746

Tel. (631) 415-0900

Fax. (631) 415-0910

Brooklyn Office:

807 Kings Highway

Brooklyn, NY 11223

Fax. (718) 407-0775

(facsimile not for service)

January 24, 2018

Via Facsimile: (914) 390-4179 + ECF

Hon. Nelson S. Roman

United States District Courthouse

Southern District of New York

300 Quarropas Street

White Plains, N.Y. 10601

Re: Miss Jones LLC v. Keith Stiles, et al.

Case No.: 7:17-cv-01450-NSR

Dear Hon. Nelson S. Roman:

Our office represents Plaintiff, Miss Jones LLC in the above referenced action.

As this Court may recall, we requested Defendant, through his counsel, to make himself available for a Deposition for over one (1) month. Ultimately, we noticed him for a deposition to be held in his state of residence, North Carolina. Mr. Stiles and his counsel preferred to conduct a deposition in New York and we agreed to fly Mr. Stiles to New York with a round trip ticket. Mr. Stiles appeared for a Deposition on January 22, 2018, whereby he refused and failed to answer some of the deposition questions. Such of Defendant's refusal to respond to questions at deposition was in violation of FRCP 30(c)(2) which requires that at a deposition an objection "must be noted on the record, but the examination still proceeds; the testimony is taken subject to any objection". Additionally, Defendant has failed and refused to produce documents requested in Plaintiff's Request for Discovery, which documents were due to our office on January 15, 2018. Moreover, Defendant failed to respond to Plaintiff's Interrogatories, which responses were due on January 11, 2018.

We have attempted in good faith to resolve these discovery issues with Defendant's counsel, but our efforts were unsuccessful. We even offered to have Mr. Stiles return for a deposition the following day or the day after that.

We are thus writing this letter pursuant to Local Civil Rule 37.2 to respectfully request that this Court schedule a pre-motion conference to address Defendant's impediment of Plaintiff's discovery and deposition. Additionally, due to said unexpected discovery impediment caused by Defendant, we respectfully request that this Court extend the deadline for the completion of the discovery from January 25, 2018 until Defendant's cooperation is obtained, whether through a pre-motion conference or an Order on Motion, if need be. If the court is not inclined to extend the discovery deadline then we will be requesting harsh penalties against Defendant as we have made every attempt to conduct our discovery in an expedient manner.

*Pre-Motion/Status Conf.
Scheduled for March 15, 2018
at 12:30 pm.*

Dated: March 6, 2018

SO ORDERED:

[Signature]
HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE

Thank you for your understanding and attention to this matter.

Very Truly Yours,


Gary Novins

(GNS998)

cc.: Jeffrey Klein, Esq. via e-mail: jiklaw1022@gmail.com

TRANSMISSION VERIFICATION REPORT

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FAX : 631-415-0910
TEL : 631-415-0900
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